

**MINUTES
LIVESTOCK FACILITY SITING REVIEW BOARD
SEPTEMBER 18, 2009, TELECONFERENCE MEETING**

**Boardroom 106
Wisconsin Department of Agriculture, Trade and Consumer Protection
2811 Agriculture Drive, Madison, WI**

Chair Holte called the meeting to order at 12 p.m. Other LFSRB members present by phone were Andy Johnson, Bob Selk, Fran Byerly, Lee Engelbrecht, and Jerry Gaska. Bob Topel was absent from the meeting. A quorum was present. DATCP staff present were Cheryl Daniels and Lori Price.

Call to order: open meeting notice; approval of agenda; approval of August 21, 2009, meeting minutes

Holte stated the meeting agenda was publicly noticed, as required, and then presented the agenda for approval. Johnson moved to approve agenda, and Engelbrecht seconded the motion. The motion passed.

Holte presented the August 21, 2009, meeting minutes for approval. Johnson made a motion to approve the minutes as written, and Selk seconded the motion. The motion passed.

Status of appeal on Larson Acres, Inc. v. Town of Magnolia, Docket No. 07-L-01, circuit court decision

Daniels reported that the Wisconsin Towns Association (WTA) is requesting the court to be an intervener in this case. Johnson asked for clarification on the role of an intervener and the implications of WTA as an intervener. Daniels responded that WTA is asking to submit a brief because of the implication of this case on political subdivisions, particularly the question of does the siting law limit what a political subdivision can decide. Daniels continued her report by stating four briefs have been filed in this case. The briefs are from the attorney for Larson Acres, attorney for the LFSRB, attorney for the Town, and the attorney for the plaintiffs. Other briefs were filed but were rejected by the Court because they were too long in number of pages submitted. The reply briefs are due in a couple of weeks. The documentation will then be circulated amongst the judges who will hear the case. The Court is usually good about staying on scheduled to hear a case.

Review and approve LFSRB decision in Van Dyke v. Racine County, Docket No. 09-L-01

The Board members and Daniels reviewed the draft decision and had minor grammatical changes; a change that clarified Noble Views was a LLC and not Inc.; and wording changes in the Issues for Decision, Conclusions of Law, and Opinion of the Board sections to clarify the Board's decision. Johnson then made a motion to approve the decision with the edits agreed upon by consensus. Byerly seconded the motion. A roll call vote was taken with 6 ayes, 0 nays,

and 1 Board member absent. The motion passed. Daniels will make the changes to the decision and send it to the Board members for signature.

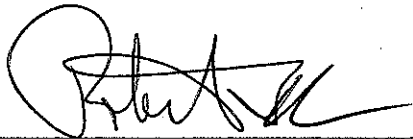
Board schedule and future agenda items

Daniels stated that she is not aware of any potential cases that would come before the Board in the next couple of months. She also confirmed that she has not seen any information yet on senate confirmation of Selk's and Gaska's reappointment to the LFSRB.

Adjourn

Being no other business before the LFSRB, Byerly moved to adjourn the meeting, and Engelbrecht seconded the motion. The motion passed, and the meeting ended at 12:50 p.m.

Respectfully submitted,



Bob Selk, Secretary

2-19-10

Date

Recorder: LP